



U.S. DEPARTMENT of STATE

Nepal

International Religious Freedom Report 2006

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The constitution provides for freedom of religion, and the Government generally respected this right in practice. The constitution describes the country as a "Hindu Kingdom," although it does not establish Hinduism as the state religion. The Government generally did not interfere with the practice of other religious groups and religious tolerance was broadly observed; however, there were some restrictions.

There was no change in the status of respect for religious freedom during the period covered by this report, and government policy continued to contribute to the generally free practice of religion. When King Gyanendra handed power back to the political parties in April 2006, the reinstated parliament declared the country to be a secular state; however, no laws specifically affecting freedom of religion were changed.

Article 19 of the Constitution of 1990 states that "Everyone shall have the freedom to profess and practice his own religion as handed down to him having due regard to ancient practices; provided that no person shall be entitled to convert another person from one religion to another," thus effectively prohibiting proselytism.

Members of minority religions occasionally reported police harassment.

Authorities limited the location of and otherwise restricted many public celebrations by the Tibetan community, especially those with political overtones. The Government did not allow the registration of an office to look after Tibetan refugees or an office to represent the Dalai Lama, the exiled Tibetan spiritual leader. Both offices were shut down by the Government in 2005 based on claims that the organizations had failed to comply with nongovernmental organization (NGO) registration requirements.

The generally amicable relationship among religious groups in society contributed to religious freedom. Adherents of the country's many religious groups generally coexisted peacefully and respected all places of worship. Those who converted to another religious group at times faced isolated incidents of violence and occasionally were ostracized socially, but generally they did not fear to admit their affiliations in public.

The U.S. government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. The U.S. embassy maintains regular contact with Hindu, Christian, Buddhist, Jewish, and other religious groups.

Section I. Religious Demography

The country has an area of 54,363 square miles, and its population was estimated at 27 million. It was estimated that Hindus constituted 81 percent of the population; Buddhists, mostly ethnic Tibetan, 11 percent; Muslims, in their majority Sunni, 4.2 percent; and practitioners of Kirant (an indigenous animist religion) and others, 4 percent, of which 0.45 percent were Christian. Christian denominations were few but growing. Christian leaders estimated the number of adherents at approximately 400 thousand. Press reports indicate that 170 Christian churches operated in Kathmandu alone. The growth of other religious groups was harder to document because the last census was taken in 2001. Twenty thousand Tibetan Buddhist refugees resided in the country.

Proselytism is illegal; therefore, there were no missionaries officially located in the country.

Section II. Status of Religious Freedom

Legal/Policy Framework

The constitution provides for freedom of religion and permits the practice of all religions; however, there are some restrictions. The newly restored parliament declared the country a secular state in May 2006; however, the country's constitution had not been amended by the end of the period covered by this report and continues to describe the country as a "Hindu Kingdom", although it does not establish Hinduism as the state religion. The constitution does protect the rights of all religious groups by guaranteeing the individual the right "to profess and practice his own religion as handed down to him from ancient times having due regard to traditional practices." It also states "no person shall be entitled to convert another person from one religion to another."

The constitution stipulates that the "state shall not discriminate among citizens on the basis of caste. No person shall on the

basis of caste be discriminated against, be denied access to any public place, or be deprived of the use of public utilities. Any contravention of this provision shall be punishable by law." In March 2002, the Government constituted a National Dalit Commission charged with protecting and promoting dalit (formerly called "untouchable") rights, and ensuring active participation of the dalit community in the development of the country by uplifting all the dalits. The commission devises legal and policy arrangements for dalit rights, makes recommendations to implement international documents to which the country is a party, monitors and coordinates NGOs on efforts to uplift dalits, and launches programs on social awareness to end social discrimination and untouchability. The Press and Publications Act prohibits the publication of materials that create animosity among persons of different castes or religions.

There are no specific laws favoring the Hindu majority; nor does the Government control the expression of Hinduism.

Although there were no registration requirements for religious groups, there were registration requirements for NGOs. As a result of the constitutional prohibition against proselytism, it appears the Government does not allow organizations to register using religious words within their titles. Christian religious organizations claim that unless registered, such organizations are restricted from owning land, an important step for establishing churches or burial sites. Other non-Hindu groups have not made similar claims.

In view of the illegality of proselytism, there were officially no foreign missionaries; however, for decades dozens of Christian missionary hospitals, welfare organizations, and schools have operated in the country. These organizations did not proselytize and otherwise operated freely. Missionary schools were among the most respected institutions of secondary education; many members of the governing and business elite graduated from Jesuit high schools. Foreign workers in the missionary hospitals and schools entered the country with visas designating them as technical workers for local or international NGOs sponsoring the hospitals and schools. If foreign workers were found to proselytize, they were expelled from the country. The Government applied these laws on immigration closely. Many foreign Christian organizations had direct ties to local churches and sponsor pastors for religious training abroad.

Some holy days, most of them Hindu, were recognized as national holidays. These were Mahashivaratri, Buddha Jayanti, Falgun Purnima, Krishna Asthami, Dasain, and Tihar.

Public schools did not teach religion.

The Government had no formal policy on interfaith understanding. A local NGO, the Inter-religious Council Nepal, consisting of representatives of the Hindu, Buddhist, Muslim, Christian, and Baha'i faiths, was active in promoting peace in the country.

Restrictions on Religious Freedom

Tibetan Buddhists faced various restrictions on their celebrations. Local authorities generally restricted celebration of Tibetan religious festivals to private property. Police in Kathmandu prohibited Tibetans celebrating the New Year from carrying pictures of the Dalai Lama around the Bouddhanath stupa as part of religious ceremonies. The Government restricted to private places (school grounds or inside monasteries) all of the local Tibetan celebrations (Tibetan New Year, the Dalai Lama's birthday, Democracy Day, and International Human Rights Day). In 2005, the Government closed two unregistered offices in Kathmandu associated with the Dalai Lama: the office of the Dalai Lama's representative and the Tibetan Refugee Welfare Office, claiming that the organizations did not comply with registration requirements. During the reporting period, the Government did not allow the registration of an office to look after Tibetan refugees or an office to represent the Dalai Lama, the exiled Tibetan spiritual leader. The welfare office looked after more than 20 thousand Tibetan refugees who left their homeland after the Dalai Lama fled Tibet in 1959.

Christian groups reported that government officials refused to register any religious organizations whose titles contained the words "Jesus, Bible, Christian, or church." These groups noted that, unless registered, such organizations could not own land, important for establishing churches or burial of members. However, by removing Christian related words from their titles, some groups were able to register their organizations and practice their faith. Some Christians buried their dead in Christian cemeteries in Kathmandu and other areas around the country, and others used cremation.

Parents were not prevented from teaching their religion of choice to their children, who also may live a religious life.

Article 113.3 of the 1991 Constitution states "the election commission shall not register any political organization or party that discriminates in membership against any citizen on the basis of religion, caste, tribe, language, or sex, or that has a name, insignia, flag, or objective that is religious or tends to fragment the country."

The law prohibits converting others and proselytizing; these activities are punishable by fines, imprisonment, or, for foreigners, expulsion. However, personal conversion is allowed. NGOs or individuals were allowed to file charges of proselytism against individuals or organizations.

Some Christian groups were concerned that the ban on proselytism limited the expression of non-Hindu religious belief. The Government investigated reports of proselytism. There were no incidents of punishment for conversion or proselytism during the reporting period. On April 27, 2005, police arrested a couple and investigated them for allegedly forcibly converting children. After being held in custody for several days, they were released by police on May 9, 2005. No charges were filed against them.

Muslim religious schools (madrassahs) but not mosques, must register with local District Administration Offices (part of the Home Ministry) and supply information about their funding sources in order to operate; they receive no government funding. Some Muslim leaders criticized the move as discriminatory; however, the registration requirement has not been enforced. Muslims were not restricted from participating in the Hajj, although the Government did not subsidize the pilgrimage.

The constitution prohibits discrimination on the basis of caste; however, the caste system strongly influences society. While the Government has stressed that caste-based discrimination is illegal and temple access for "lower castes" has improved in some areas, caste discrimination remains frequently practiced at Hindu temples, where dalits are forbidden from entering by some Hindu priests. Lower castes also experience discrimination in many other areas of life, including education, employment, and marriage. Other religious communities do not practice caste discrimination. Entrance into many Hindu temples is often restricted for persons not of South Asian ethnicity, who are unlikely to be Hindu.

There were no restrictions on the selling or possession of religious literature.

Civil servants can take off religious holidays and celebrate them on private property without government interference.

There were no laws that apply only to certain religious groups.

There were no reports of religious prisoners or detainees.

Forced Religious Conversion

There were no substantiated reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Persecution by Terrorist Organizations

The Communist Party of Nepal (Maoist) is a designated terrorist organization on the U.S. government's "Terrorist Exclusion List" of the Immigration and Nationality Act and under Executive Order 13224.

During the period covered by this report, Maoist insurgents restricted religious freedom in parts of the country. There were regular reports of Maoists enforcing a "people's calendar" in schools that did not allow for religious holidays. Maoists sometimes demanded the use of religious organization grounds for their indoctrination programs, threatening to padlock the buildings if their demands were refused.

There were scattered reports of Maoist insurgents attacking Hindu temples and harassing Hindu priests during the reporting period.

The National Churches Fellowship of Nepal reported several cases where Maoists extorted cash from churches, including in Dhading and Surkhet Districts. The Maoists threatened retribution against church property and church members if the congregations did not meet their demands.

On May 17, 2004, a group of Maoists abducted a Royal Nepal Army priest from Ramechhap District. He was held for several days before being released unharmed.

On September 12, 2004, Maoists exploded a bomb and forced the closure of St. Joseph's school in Pokhara. The school's 551 students mostly were from underprivileged ethnic communities. No case was filed.

In September 2004, Maoist threats prompted the temporary closing of twenty-one churches in Sankhuwasabha District.

On December 29, 2004, Maoists shot dead Arun Budhathoki, Chief of Shiv Sena Nepal, a Hindu religious organization, in Nepalgunj, Banke District. No one was charged with the crime.

In May 2005, Narayan Pokharel, president of the country's branch of the World Hindu Council, was killed in the District of Rupandehi, approximately 300 kilometers (175 miles) from Kathmandu. Although no one claimed responsibility, police suspected the involvement of Maoist rebels. No one was charged in the case.

On September 21, 2005, a group of armed Maoists attacked and vandalized Ramchandra Temple in Muga village of Dhankuta District.

In addition to attacking regular schools, Maoists reportedly attacked Christian schools, orphanages, and homes in efforts to forcibly conscript children.

Section III. Societal Abuses and Discrimination

Adherents of the country's many religious groups generally coexisted peacefully and respected all places of worship. Most Hindus respected the many Buddhist shrines located throughout the country; Buddhists accorded Hindu shrines the same respect. Buddha's birthplace was an important pilgrimage site, and his birthday was a national holiday.

In September 2004, an Iraqi militant group killed twelve Nepalese expatriate workers in Iraq. The result was mob violence in Kathmandu and other areas of the country. Mosques and businesses owned by Muslims as well as manpower agencies and press houses were targeted.

Seven persons were killed, four by mob violence because they were, or were believed to be, Muslim. Immediately following the riots, the prime minister made a nationwide address calling on citizens to eschew communal violence and maintain religious harmony. A government investigation resulted in no arrests, but the Government compensated affected manpower agencies. Subsequent to the communal rioting, leaders of multiple faiths organized a rally in Kathmandu and called on their followers to maintain religious harmony.

Some Christian groups reported that Hindu extremism has increased in recent years. Of particular concern were the local affiliates of the India-based Hindu political party Shiv Sena, locally known as Pashupati Sena, Shiv Sena Nepal, and Nepal Shivsena. Government policy does not support Hindu extremism, although some political figures have made public statements critical of Christian missionary activities. Some citizens were wary of proselytizing and conversion by Christians and viewed the growth of Christianity with concern. There were unconfirmed reports that Maoists suppressed religious observance in areas under their control through intimidation and harassment.

Those who chose to convert to other religions, in particular Hindu citizens who converted to Islam or Christianity, sometimes were ostracized socially. They occasionally face isolated incidents of hostility or discrimination from Hindu extremist groups. Some reportedly were forced to leave their villages. While this prejudice was not systematic, it was at times vehement and occasionally violent. Nevertheless, converts generally were not afraid to admit in public their new religious affiliations.

Although such discrimination is prohibited by the constitution, the caste system strongly influenced society. Societal discrimination against members of lower castes and dalits remained widespread and persistent. Such incidents occurred despite the Government's efforts to protect the rights of disadvantaged castes.

In December 2004, approximately a dozen persons were injured in a scuffle when the management committee of a Hindu temple in Chitwan District tried to stop "low caste" persons from entering the temple.

On October 06, 2005, "upper caste" locals stopped dalit women from using public facilities like shops and rice mills as a punishment for praying at the local Dihibar Temple in Siraha District.

On October 13, 2005, "upper caste" locals in Saptari District imposed a blockade on a dalit hamlet to punish the residents for not playing drums during a local fete. Villagers prevented six dalit families in the area from using the public path and denied them access to rice mills, medical shops, and public water taps.

On December 26, 2005, after a local dalit activist entered a temple in Saptari District, "upper caste" villagers fined him to cover the expenses of performing a ceremony to purify the temple.

On March 14, 2006, after learning he was a dalit, a landlord in Bharatpur District evicted a tenant who had come to the area to take the nationwide school exam and had been staying at the house for fourteen days.

On March 21, 2006, "upper caste" locals barred dalit youths from entering the famous Saileshwori Temple in Dipayal by padlocking the temple door.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. The U.S. embassy maintained contact with Hindu, Christian, Buddhist, Jewish, Muslim, and other religious groups. The embassy closely monitored religious freedom and raised the issue with the Government when appropriate. In April 2006, the embassy sponsored a religion teacher from Tribhuvan University for an international visitor program in the United States entitled "Religious Diversity in America."

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[International Religious Freedom Report Home Page](#)